IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 34338 of 2006(K)

PETITIONER:

M.K. SUKUMARAN,
S/O. M.A. KRISHNANKUTTY, AGED 56 YEARS,
RETIRED VEHICLE SUPERVISOR, K.S.R.T.C.,
ALUVA DEPOT, RESIDING AT MUKAMPARA HOUSE,
THAMARACHAL, KIZHAKKAMBALAM P.O., ERNAKULAM

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS:

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1. THE MANAGING DIRECTOR,
K.S.R.T.C., TRANSPORT BHAVAN,
THIRUVANANTHAPURAM.

2. THE DISTRICT TRANSPORT OFFICER,
K.S.R.T.C., ALUVA.

BY ADV. SRI.K. PRABHAKARAN, SC, K.S.R.T.C

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 34338 OF 2006

Dated this the 21st day of December, 2006

JUDGMENT

The petitioner who retired from K.S.R.T.C only on 31.3.06 seeks out of turn release of his retiral benefits on the ground that the marriage of his daughter is to be conducted and funds are urgently need in that context. Ext.P2 will indicate that the petitioner's claim i.e. daughter is to be married on 7.1.07 is correct. Sri.K.Prabhakaran, Standing Counsel takes notice on behalf of the respondents. Mr. Prabhakaran invited my attention to the judgment in WA No.289/2001 and the guidelines which have been formulated fixing priorities in the matter of release of retiral benefits. However I am of the view that in view of the subsequent judgment in WP(C) No.1775 of 2004 there is justification in this case for granting relief to the petitioner in part. Accordingly, the Writ Petition will stand disposed of with the following directions:

Respondents will release to the petitioner either his DCRG or Commuted Value of Pension(which ever is the larger of the two) at the earliest and at any rate before 04.01.2007. Payment shall be made in instalments in cash at the Ernakulam branch.

PIUS C. KURIAKOSE, JUDGE

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